

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 3, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-16996 - APPLICANT/OWNER: GHASSAN MISHFERI

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-16915), and Site Development Plan Review (SDR-16914) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Variance to the five-acre minimum lot size requirement for a Residential Planned Development – six units per acre on 1.08 acres located adjacent to the north side of Smoke Ranch Road, approximately 470 feet east of Michael Way. Approval would permit the development of a six-lot, single-family subdivision.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/07/03	The City Council approved an annexation (ANX-1752) for the subject property. The Planning Commission recommended approval. The effective date was 06/13/03.
08/20/03	The City Council approved the General Plan Amendment GPA-2572, Rezoning ZON-2574, and Site Plan Review SDR-2577. The Planning Commission and staff recommended approval.
03/26/04	The Planning Commission approved a 7-lot Tentative Map TMP-3876 at 5250 Smoke Ranch Road.
08/04/04	The Planning and Development Staff administratively approved the Final Map FMP-3876. The Final Map was not recorded.
05/10/05	Code Enforcement Case #29821: Vacant Building. Case resolved on 8/17/05.
11/02/06	The Planning Commission recommended approval of companion items ZON-16915 and SDR-16914 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #3/mh).
<i>Pre-Application Meeting</i>	
08/07/06	The applicant's representative met with staff to discuss reactivating previously-expired entitlements for a six-lot Residential Planned Development.
<i>Neighborhood Meeting</i>	
N/A	N/A

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	ML (Medium Low Residential)	R-E (Residence Estates)
North	Single Family Dwelling	R (Rural Density Residential)	Unincorporated Clark County

South	Single Family Dwelling and church	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family Dwelling	R (Rural Density Residential)	Unincorporated Clark County
West	Single Family Dwelling	MLA (Medium Low Density Attached)	R-PD6 (Residential Planned Development – 6 Units Per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		N	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD Residential Planned Development District	X		N
A-O Airport Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

<i>Standard</i>	<i>Proposed</i>	<i>Acceptable</i>
Min. Lot Size	3,510	Y
Min. Lot Width	52 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 15 Feet 5 Feet 10 Feet	Y
Max. Lot Coverage	50%	Y
Max. Building Height	2 stories/ 35 Feet	Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
RE	2du/ac	(2)	R-PD6	6.49du/ac max. 7d/u for subject site	ML	8.49du/ac max. 9.1d/u for subject site

ANALYSIS

Per Title 19.06.040, R-PD developments require a minimum site size of five acres. The applicant is requesting relief from this requirement to allow a site area of 1.08 acres. Under similar circumstances, the comparable Zoning district of R-CL (Residential –Compact Lots), would require a Variance for setbacks. As proposed, however, this development is providing more open space and landscaping than what would be required of the R-CL Zoning District. In addition, the proposed development is in compliance with maximum density allowed for the Master Plan Land Use Designation of ML (Medium Low), and provides a good buffer between a higher density condominium to the west and larger single-family lots to the east. Finally, per Title 19.06.040(A): “Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD, may also be zoned R-PD by the City Council if it otherwise qualifies for the R-PD zoning designation.” Although the section continues to add the condition that, “Both such properties must be owned by or be under the control of the same property owner.” Staff feels that the adjacent R-PD6 zoned property is a contributing factor in supporting this variance request. In light of these three circumstances staff is recommending approval.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 309 by City Clerk

APPROVALS 0

PROTESTS 0